

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

Bail Appl..No. 1085 of 2007()

CMP.771/2007 of J.M.F.C., HARIPAD
C.R.NO.13/07 OF KARTHIKAPPALLY EXCISE RANGE
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: PETITIONER/ACCUSED:

KUSAN @ ANIYAN, S/O.GOPALAN,
THACHAYIL KIZHAKKATHIL,
VATTACHAL MURI, ARATTUPUZHA VILLAGE,
KARTHIKAPPALLY TALUK.

BY ADV. SRI.K.HARILAL

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
 2. EXCISE INSPECTOR, KARTHKAPALLY
EXCISE RANGE.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23/02/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

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B.A. No. 1085 OF 2007 A
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Dated this the 23rd day of February, 2007

O R D E R

The petitioner, who is the accused in C.R.No.13/2007 of Karthikappally Excise Range for an offence punishable under Sec.8(1) and (2) of the Abkari Act, for having been found in possession of one litre of illicit arrack on 7.2.2007, seeks his enlargement on bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner is an accused in another crime involving similar abkari offence.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec. 41 A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This application is accordingly dismissed.

(V. RAMKUMAR, JUDGE)

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